

Message Text

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11

ORIGIN EB-11

INFO OCT-01 EA-11 ADP-00 COME-00 AGR-20 TRSE-00 STR-08

AID-20 CIEP-02 SIL-01 LAB-06 L-03 CIAE-00 INR-10

NSAE-00 RSC-01 /094 R

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DRAFTED BY: EB/OF/FPD:JMAIERS:L/EB:DBURNS:EB/GCP:HCBLACK

APPROVED BY: EB/OT/GCP- MR. O'MAHONY

COMMERCE: HBASHKIN

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R 102115Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY JAKARTA

INFO AMCONSUL MEDAN

AMCONSUL SURABAYA

AMEMBASSY SINGAPORE

AMEMBASSY KUALA LUMPUR

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E.O. 11652: N/A

TAGS: ETRD, GDIS, ID

SUBJECT: GOODYEAR DISPUTED CONTRACT FOR LATEX

REF: JAKARTA 9378

1. APPRECIATE EMBASSY'S KEEPING WASHINGTON AGENCIES INFORMED. WE WOULD SUGGEST THAT NO US OFFICIALS BECOME INVOLVED IN DISCUSSING US EXPORT RESTRICTION ON SOYBEANS WITH INDONESIAN OFFICIALS IN SAME CONTEXT AS SUBJECT DISPUTE. WE WOULD ALSO PREFER THAT GOODYEAR OFFICIALS NOT PURSUE THE COMPARISON UNLESS THE INDONESIAN GOVERNMENT BASES ITS RATIONALIZATION FOR BREAKING THE LATEX CONTRACT ON SUCH A COMPARISON. IF THAT BECOMES THE CASE, THE EMBASSY MAY AT ITS DISCRETION PROVIDE GOODYEAR OFFICIALS WITH THE FOLLOWING GUIDANCE.

2. AS A LEGAL MATTER, THERE IS CLEAR BASIS FOR DISTINGUISHING
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ACTION OF USG REGARDING SOYBEAN EXPORT CONTRACTS AND GOI IN-

VALIDATION OF CONTRACT TO WHICH TERMS IT IS A PARTY.

3. USG ACTION IS CONSISTENT WITH GATT BY REASON OF ARTICLES XI(2)(A) AND XX(J) AND WITH INTERNATIONAL LAW. GOI INVALIDATION OF CONTRACT TO WHICH IT IS A PARTY, WITHOUT PROVISION FOR COMPENSATION, WOULD RAISE QUESTION OF VIOLATION OF INTERNATIONAL LAW.

4. IF THIS MATTER IS DISCUSSED WITH GOODYEAR REPS, WE WOULD SUGGEST THEY CONSULT ON ABOVE POINTS WITH LEGAL COUNSEL. AS EMBASSY IS AWARE, AFTER EXHAUSTION OF REMEDIES AFFORDED BY LOCAL COUNTRY, GOODYEAR HAS OPTION OF PRESENTING CASE TO CLAIMS ATTORNEYS OF DEPARTMENT OF STATE FOR CONSIDERATION FOR ESPOUSAL AS AN INTERNATIONAL CLAIM. ROGERS

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Message Attributes

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Capture Date: 01 JAN 1994
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Current Classification: UNCLASSIFIED
Concepts: CONTRACTS, EXPORT CONTROLS, SOYBEANS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE158765
Document Source: CORE
Document Unique ID: 00
Drafter: EB/OF/FPD:JMAIERS:L/EB:DBURNS:EB/GCP:HCBLACK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
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Handling Restrictions: n/a
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ISecure: 1
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Office: ORIGIN EB
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Review Markings:

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30 JUN 2005

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Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOODYEAR DISPUTED CONTRACT FOR LATEX
TAGS: ETRD, BDIS, EAGR, ID, GOODYEAR, LATEX
To: JAKARTA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005